

# FREDERICK COUNTY PLANNING COMMISSION September 12, 2012

TITLE: Supply to Barren Residential Cluster, Lots

1-31.

FILE NUMBER: S-871, AP 12438

REQUEST: Residential Cluster Concept Plan

**Approval** 

The Applicant is requesting concept plan approval for 31

Residential Cluster lots on a 34.15-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located along Yeagertown Road, north of Rt 144.

TAX MAP/PARCEL: Map 79, Parcel 9

COMP. PLAN: Low Density Residential

ZONING: R-1 Residential PLANNING REGION: New Market WATER/SEWER: W-4, S-4

**APPLICANT/REPRESENTATIVES:** 

APPLICANT: Frall Developers, LLC OWNER: Frall Developers, LLC

SURVEYOR/ENGINEER: VanMar Associates, LLC

ARCHITECT: N/A ATTORNEY: N/A

STAFF: Tolson DeSa

**RECOMMENDATION:** Conditional Approval

**ATTACHMENTS:** 

EXHIBIT 1- Supply to Barren Residential Cluster Concept Rendering

#### STAFF REPORT

# **ISSUE**

The Applicant is requesting concept plan approval for 31 single-family residential cluster lots on a 34.15-acre site as a Cluster Development under section 1-19-10.100 through 1-19-10.100.5 of the zoning ordinance.

# **BACKGROUND**

The Frederick County Planning Commission (FCPC) has discussed this project on numerous occasions since 1999.

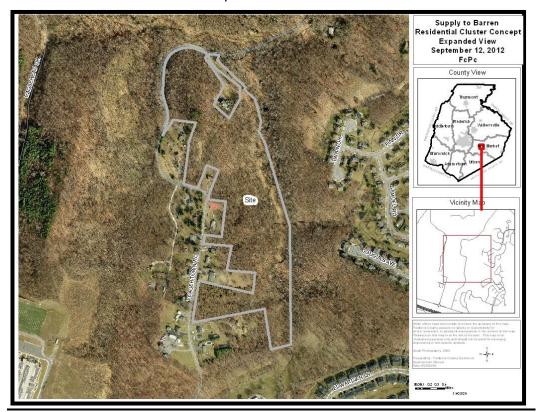
Pursuant to a Settlement Agreement with the BOCC, the Applicant withdrew all prior applications related to this property and agreed to start "from scratch" with the current application.

The current application is for a 31-lot single family residential subdivision being reviewed as a Cluster Development under 1-19-10.100 through 1-19-10.100.5 of the Zoning Ordinance. Section 1-19-10.100 requires:

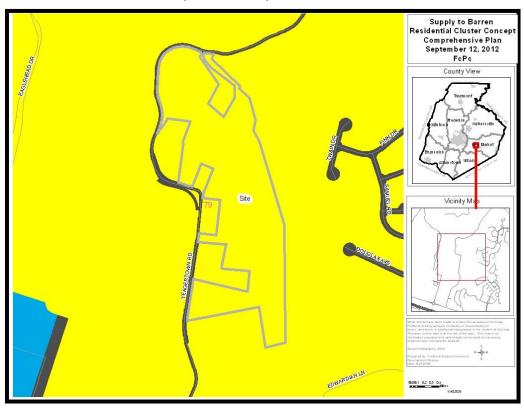
- (A) A Concept Plan is to be submitted to the Planning Commission at least 60 days prior to the Commission meeting at which it is to be considered which shows:
  - (1) The type of dwelling unit (single-family, townhouse, garden apartment, etc.) and building restriction lines; and
  - (2) Street layout; and
  - (3) Green area system; and
  - (4) Vicinity map (Scale: no smaller than 1 inch equals 2,000 feet); and
  - (5) Topography with minimum 10 foot contours (USGS topographic maps are permitted for the concept plan); and
  - (6) Number of acres in the entire tract; and
  - (7) Overall dwelling unit density.
- (B) If the concept plan is approved by the Commission, the developer will then proceed with platting of the development in accordance with the subdivision regulations.

The 34.15 acre site is primarily forested ground. The site is surrounded by seven residential lots and borders the Greenview PUD to the east.

Graphic #1 Site Aerial



Graphic #2 Comprehensive Plan



Supply to Barren: Residential Cluster Concept Plan, Lots 1-31

## **ANALYSIS**

# A. <u>CLUSTER DEVELOPMENT REGULATIONS</u>

1. Purpose §1-19-10.100: The purpose of cluster development is to provide a method of development that permits variation in lot sizes without an increase in the overall density of population; that allows home buyers a choice of lot sizes according to their needs; that preserves green space, tree cover, scenic vistas, natural drainage ways, or preserves features of outstanding national topography; in order to prevent soil erosion and provide green areas for rest and recreation.

The cluster plan illustrates a variation in lot size without increasing the overall density. The lots range in size from 15,000 square feet to 31,709 square feet, with the average lot size being 18,060 square feet. Roughly 19.99 acres of the overall site will be owned and maintained as open space by the homeowners association. The majority of the proposed open space consists of floodplain, steep slopes, heavily forested areas, and waterbody buffers.

2. Districts Where Permitted §1-19-10.100.2: In all R Districts, the Planning Commission in approving subdivision plats, may permit modifications in lot area, lot width, yards (building restriction areas) including zero lot lines, or other requirements. Use regulations are governed by the zoning district in which the development is located. Cluster development is not permitted unless public water and public sewer are provided.

The Applicant is seeking approval of the permitted modifications in lot area; none of the proposed 31 lots meet the typical 40,000 square foot lot size requirement for the R-1 zoning district. The lots will meet all other R-1 standards. Public water and sewer will service the site.

3. Density Determination and Design Requirements §1-19-10.100.3: The average dwelling unit density will be no greater than the permitted density for the district in which the units are located. For the purposes of this division, DENSITY means the maximum number of dwelling units which could be built on net developable land area in the zoning district. Net developable land is that land remaining after flooding soils areas and rights-of-way for principal highways have been deducted from the gross site area.

After deducting the flooding soils and the right of way dedication for Yeagertown Road, the net developable area is 31.056 acres (1,352,799 square feet), which permits a density of 31 lots under the standard R-1 dimensional requirements. The Applicant is proposing 31 lots which will not exceed the density permitted by the R1 zoning district for single family residential lots on this site.

**4. Green Area Space Requirements §1-19-10.100.4:** Reduction of individual lot areas will be reserved as green area. The county may accept the conveyance of the green areas or it shall be conveyed to a nonprofit home[owner]s association.

The Applicant is proposing to convey 19.99 acres of open space to the homeowners association. The proposed open space consists of floodplain, steep slopes, heavily forested areas, and waterbody buffers.

## **Cluster Development Regulations Findings/Conclusions**

The proposed subdivision will meet all cluster development regulations as provided in section 1-19-10.100 through 1-19-10.100.5 of the zoning ordinance.

# **B. SUBDIVISION REGULATION REQUIREMENTS**

1. Land Requirements §1-16-217 (A): The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The proposed land use and subdivision design complies with the Comprehensive Plan and meets Zoning Ordinance requirements.

**2.** Land Requirements §1-16-217 (B): The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The site is primarily wooded, and contains steep slopes up to 25%, an existing stream with floodplain areas is located on the eastern portion of the site. With the exception of the steep slopes, all of these natural features will be preserved as an open space. Forest planting along the water bodies will further enhance the environmentally sensitive area and provide screening from the adjoining residential subdivision. The proposed development is similar to the surrounding properties in regards to design and proposed use.

# **Subdivision Regulation Requirements Findings/Conclusions**

The proposed subdivision will meet these Subdivision Regulations as provided in *Land Requirements* §1-16-217 (A) and (B).

# C. ACCESS

1. Public Facilities §1-16-12 (B)(3)(b): For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.

Lots 1-9 will take access directly off of Yeagertown Road, classified as a rural local street. Lots 1-2 and 3-4 will each share a common entrance off of Yeagertown Road. Lots 5-9 are proposed as panhandle lots connecting to Yeagertown Road via a common driveway. Lots 10, 11 and the existing Parcel 142 will share a common driveway which will access Yeagertown Road. Lots 12-31 will access a proposed cul-de-sac (Yeager Court) that will be constructed with the typical 20-foot wide paved surface and dedicated to the County for public use. Intersection sight distance on Yeagertown Road has been found to be adequate by the applicant's engineer. Off-site, Yeagertown Road is a publically maintained road with a 16 - 20 foot wide paved surface.

The Subdivision Regulations (1-16-219.c.3) do not allow more than 4 lots panhandle lots. Lots 5-12 are panhandle lots. The Applicant is proposing that Lot 9 will have a panhandle connection to the common driveway, which serves Lots 10 and 11, as well as existing parcel 142. The actual access for Lot 9 is proposed to be located on the common driveway for Lots 5-9.

Staff has no objection to the proposed cul-de-sac. The Planning Commission will consider final approval of the new public street during their review of the Preliminary Plan application, which will follow concept plan approval. The FCPC will have to approve a modification for any proposed panhandle lots at the time of Preliminary Plan approval.

## **Access Findings/Conclusions**

The lots within the proposed subdivision will meet all County access requirements.

## D. WATER AND SEWER FACILITIES

1. Public Facilities §1-16-12 (C): The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.

The property has a water and sewer classification of W-4, S-4 and must utilize public facilities. The Division of Utilities and Solid Waste Management will make a determination of adequacy at the time of Preliminary Plan and APFO application, which will follow concept plan approval. The proposed lots will receive water service from the neighboring Greenview PUD, and sewer service to Ballenger /McKinney Wastewater Treatment Plant.

#### E. OTHER APPLICABLE REGULATIONS

**Stormwater Management – Chapter §1-15.2:** This subdivision will address SWM at the time of Preliminary Plan application.

**APFO – Chapter §1-20:** This subdivision will address APFO schools, roads, public water, and public sewer at the time of Preliminary Plan application.

Forest Resource Ordinance – Chapter §1-21: The Applicant has submitted and received approval for a FRO plan that meets FRO requirements by preserving 11.41 acres of existing forest.

Other Agency or Ordinance	Comment
Requirements	
Development Review	Conditionally Approved. SWM requirements to be determined at
Engineering (DRE):	Preliminary Plan stage.
Development Review	Hold. Must meet all agency and FcPc comments and conditions.
Planning:	
State Highway	N/A
Administration (SHA):	
Div. of Utilities and Solid	Approved. They will review the plan further at the Preliminary
Waste Mngt. (DUSWM):	Plan stage.
Health Dept.	Approved.
Office of Life Safety	N/A. They will review the plan further at the Preliminary Plan
	stage.
DPDR Traffic Engineering	Approved. They will review the plan further at the Preliminary Plan
	and APFO stage.
Historic Preservation	Approved

# **RECOMMENDATION**

Staff has no objection to conditional approval of the concept plan.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements. Should the FcPc grant approval of this application (S-871, AP 12438) and allow the Applicant to proceed to the preliminary plan stage, Staff recommends that the following items be added as conditions to the approval:

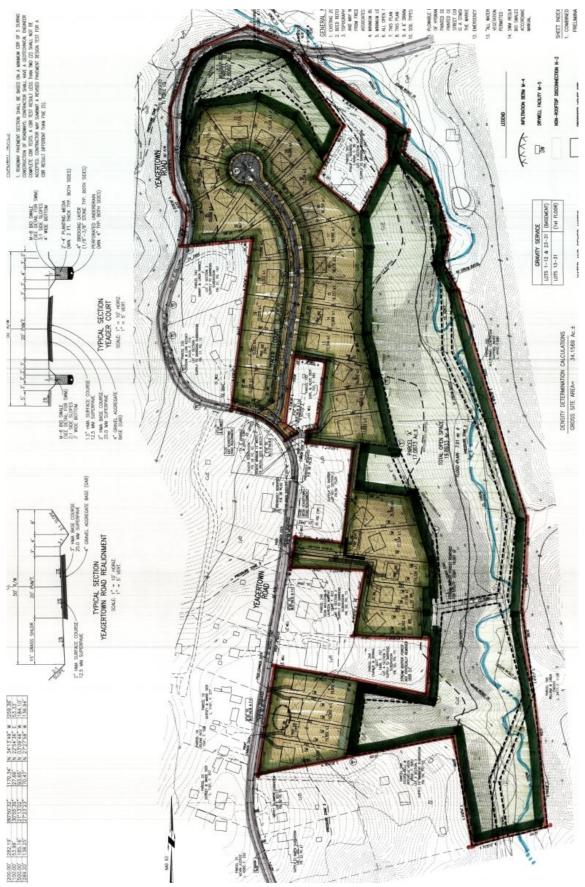
- 1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
- 2. The approval of this plan does not guarantee approval of future preliminary plans or final plats. All future applications shall be reviewed and approved in the normal manner and in accordance with all applicable regulations.

# PLANNING COMMISSION ACTION

#### MOTION TO APPROVE

I move that the Planning Commission APPROVE S-871 (AP 12438) with conditions as listed in the staff report for the proposed residential cluster concept plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: Supply to Barren Residential Cluster Concept Rendering



Supply to Barren: Residential Cluster Concept Plan, Lots 1-31 September 12, 2012